

**TOWN OF ROCKY HILL
PLANNING & ZONING COMMISSION
AGENDA OF
REGULAR MEETING OF WEDNESDAY, DECEMBER 19, 2007**

Town Hall, Council Room, Second Floor, 761 Old Main St., Rocky Hill, CT 06067

1. PUBLIC HEARING CONTINUATION CALL TO ORDER AT 6:30 P.M.

A. Site Plan/Special Permit Application, **Cogent Management, LLC**, proposing a 10,744 square foot restaurant/banquet facility, at 685 Cromwell Avenue, the northerly corner of France Street and Route 3 Cromwell Avenue, in a C-Commercial Zoning District;

2. REGULAR MEETING CALL TO ORDER

3. PUBLIC

4. ADOPT THE AGENDA

5. CONSENT AGENDA

A. Approve Minutes and Working Notes from November 28, 2007;

B. Bond Reduction Request, **Premier Building & Development, Inc.**, for improvements associated with a six lot single family residential subdivision off Lakeview Drive, in a R-20 Residential Zoning District;

C. Bond Reduction Request, **Jesse Blardo**, for improvements associated with a nine lot residential subdivision known as Footprint Hill located at 477 West Street in a R-20 Residential Zoning District;

E. Set a public hearing, **Attorney James Ripper for Real Estate Resources, LLC**, proposing a Zoning Regulation Amendment: *italic text is new or modified*

7.10. ACTIVE-ADULT HOUSING

7.10.3. Ownership and Occupancy Standards

Where permitted by Special Permit and Site Plan approval in a residence district, Active-Adult Housing shall comply with the following standards:

A. An Active-Adult Housing development shall fully comply with the provisions of the United States Fair Housing Act, as amended, and Connecticut State Statutes Section 46a-64b, as amended as it pertains to "Housing for older persons." This included compliance with any and all rules promulgated by the United States Department of Housing and Urban Development, which govern the implementations of such act.

B. Permanent Occupancy of any Unit is restricted to:

- (1). (a) any person of the age of 55 year or over, and
(b) any person approved by the Declarant or the Board, in accordance with the provisions set forth below in this Section (“Age Qualified Person”);*
- (2). a husband, wife or companion, over the age of 18 years, residing with the Age Qualified Person;*
- (3) children residing with the Age Qualified Person or residing with the husband, wife or companion of the Age Qualified Person, provided the children are over the age of 18 years;*
- (4) an individual, over the age of 18 years, residing with and providing physical or economic support to the Age Qualified Person; or*
- (5) any person who was permitted to and did occupy a Unit with an Age Qualified Person may continue to occupy the Unit after the death of Age Qualified Person.*

The Fair Housing Act permits housing intended for persons 55 and older provided that (1) at least 80% of the occupied units are occupied by at least one person who is 55 or older;(2) the Community publishes and adheres to policies demonstrating the intent to be age-restricted; and (3) the Community meets certain rules for verifying the age restrictions of the Community. Thus, up to 20% of the Units may be occupied by individuals all or whom are under 55 years of age.

C. The proposed development shall be a “Common Interest Ownership Community” as defined in Chapter 828 of the Connecticut General Statutes.

Language was deleted in Section C.

D. The constituent documents of the Common Interest Ownership Community shall contain provisions requiring the Declarant, in connection with the initial sale of Units, and the Association, as to all subsequent sale of Units, to enforce the Declaration which shall incorporate the Ownership and Occupancy Standards of the Zoning Regulations so that at all times the Common Interest Community will qualify for the 55 or over housing for older persons exemption under The Fair Housing Act. Permanent occupancy of any Unit shall not be permitted or allowed to continue if such occupancy violates the provisions of the Declaration or the Zoning

Regulations or results in the loss of the Common Interest Community's 55 or over housing for older persons exemption under the Fair Housing Act. At the closing of title of each unit being sold by Declarant, the purchaser of said Unit will be required to sign a certification or declaration to be used to insure that the Common Interest Community will qualify for the exemption under The Fair Housing Act and to insure that said purchaser is in compliance with the age restrictions set forth herein. Persons may not transfer, sell, gift, lease, assign, grant, buy, rent or occupy any Unit, except for the sale of the Unit by Declarant, until such person receives the approval of the Board in accordance with the provisions of the Declaration.

F. Bond Reduction Request, WinBrook LLC, for improvements associated with WinBrook I Office Park, office/warehouse buildings at 712, 714 and 716 Brook Street in a BP-Business Park Zoning District;

6. AGENDA ITEMS

A. Site Plan modification, Jack Proulx, Manager of Maintenance, MDC, proposing to relocate and replace a pump station at the Metropolitan District Commission treatment facility at 80 Goff Brook Lane in a A-Agriculture Zoning District and a Upper Connecticut River Conservation District overlay; (*Applicant to appear on the December 18, 2007 ZBA agenda*) ;

B. Site Plan modification, Dividend Partners, LLC c/o Real Estate Resources, LLC, proposing a change of use for a portion of the building to a “trailer assembly and repair facility” and to locate a trailer storage area to the rear of the site located at 145 Dividend Road in a BP – Business Park Zoning District;

C. Site Plan/Special Permit Application, Cogent Management, LLC, proposing a 10,744 square foot restaurant/banquet facility, at 685 Cromwell Avenue, the northerly corner of France Street and Route 3 Cromwell Avenue, in a C-Commercial Zoning District;

7. ANY OTHER BUSINESS

A. 2008 Meeting schedule (Action Required)

8. REGULATION SUB-COMMITTEE REPORT

A. Regulation, Chair Tony DiLorenzo

9. COMMUNICATIONS

10. APPROVE BILLS

11. ADJOURN

Dated in Rocky Hill, CT this 11th day of December , 2007
Rocky Hill Planning and Zoning Commission
Anthony DiLorenzo, Secretary

